

Entered 11-8-99 sb  
CL 99L0717 GWENDOLYN BURNS

**CLAIM OF: SHELIA R. DOTTERY**  
2081 Beecher Road, SW  
Atlanta, Georgia 30311

**03-R-2208**

For property damages alleged to have been sustained from flooding due to storm water overflow from a creek for an unspecified time at 2081 Beecher Road, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
\_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

ADVERSE

JAN 05 2004

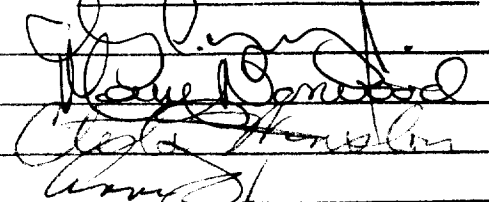
## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE \_\_\_\_\_

CHAIR \_\_\_\_\_

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

January 14, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Shelia R. Dottery  
2081 Beecher Rd., SW  
Atlanta, GA 30311

03-R-2208

Dear Ms. Dottery:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on January 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0717

Date: November 24, 2003

Claimant /Victim SHELIA R. DOTTERY  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2081 Beecher Road, SW, Atlanta, Georgia 30311  
Subrogation: Claim for Property damage \$ unspecified Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/18/99 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence unspecified Place: 2081 Beecher Road, SW  
Department WATERSHED MANAGEMENT Division Environmental Compliance  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges that her home sustained water damages from storm water overflow from the creek bank that runs along the side of her home. However, an investigation determined that the City does not have an easement on the property. Moreover, the City is not responsible for the maintenance of creeks and damages that result from creek overflow and erosion.

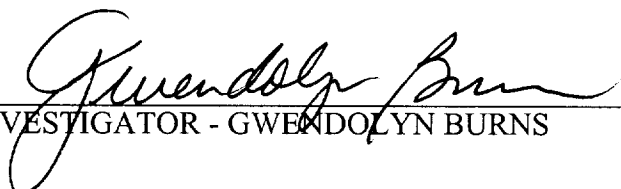
INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

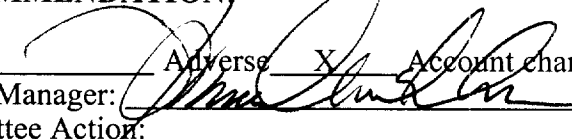
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 11/25/03  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5288  
1/05/04  
3:23 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-9 EXCEPT; 02-O-2087,  
03-R-2173  
ADOPT

YEAS: 10  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 6  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
Y Winslow	NV Muller	NV Boazman	NV Woolard

CONSENT I

<b>1-05-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 03-O-2225 2. 03-O-2161 3. 03-O-2221 4. 03-O-2175 5. 03-O-2229 6. 03-R-2171 7. 03-R-2214 8. 03-R-2215 9. 03-R-2233 10. 03-R-2219 11. 03-R-2172 12. 03-R-2174 13. 03-R-2176 14. 03-R-2246 15. 03-R-2247 16. 03-R-2248 17. 03-R-2226 18. 03-R-2232 19. 03-R-2237 20. 03-R-2178 21. 03-R-2181 22. 03-R-2182 23. 03-R-2183 24. 03-R-2184 25. 03-R-2185 26. 03-R-2186 27. 03-R-2187 28. 03-R-2188 29. 03-R-2189 30. 03-R-2190 31. 03-R-2191	<b>32.</b> 03-R-2192 33. 03-R-2193 34. 03-R-2194 35. 03-R-2195 36. 03-R-2196 37. 03-R-2197 38. 03-R-2198 39. 03-R-2199 40. 03-R-2200 41. 03-R-2201 42. 03-R-2202 43. 03-R-2203 44. 03-R-2204 45. 03-R-2205 46. 03-R-2206 47. 03-R-2207 48. 03-R-2208 49. 03-R-2209 50. 03-R-2210